**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

PS – PR and RD Department – Allegation of Irregularities in execution of NREGS works in Denduluru Assembly Constituency of West Godavari District,taken up by the PR Department – Disciplinary proceedings initiated against Sri P.V.S. Durga Prasad, Deputy Executive Engineer, PRI Sub-Division, Eluru, West Godavari District – Inquiry conducted - Disagreed with the findings of I.O and communicated disagreement factors - Explanation received - Imposition of penalty of withholding of one (1) Annual Grade Increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 besides recovery of an amount of Rs.1,02,295.60 (40% of the amount of loss caused) at bank rate + 2% as per Article 300 of A.P. Finance Code, Volume - in lumpsum - Orders – Issued.

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT**

**G.O.Rt.No.557, Dated.05.10.2020**

**Read the following:**

1. From GA(V&E) Department, Appraisal Report No.49(389/V&E/E2/11), Dt.10.05.2013.
2. Govt.Memo.No.14156/Vig.I/2013, PR&RD (Vig.I) Dept, Dt.12.03.2014.
3. From ENC, PR Letter No.Vig.II/888/2014, dt.10.07.2018.
4. Govt. Memo No.14156/Vig.I/2013, Dated: 29 .01.2019.
5. From Sri P.V.S. Durga Prasad, Deputy Executive Engineer, PRI Sub-Division, Eluru, explanation dated: 30.05.2019.
6. From the ENC, PR, Letter No. Vig.II/888/2014, dated: 24.01.2020.

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ORDER:

In the reference 1st read above, the Director General, Vigilance & Enforcement Department has furnished the Appraisal Report relating to allegation of irregularities committed in execution of NREGS works in Denduluru Assembly Constituency of West Godavari District taken up by the PR Department and recommended to initiate departmental action against Sri Durga Prasad Rao, Deputy Executive Engineer, PRI, Eluru for executing substandard quality five works and also against Sri S. Srinivasa Rao, Mandal Engineering Officer (Assistant Engineer), Pedavegi Mandal.

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2. In the reference 3rd read above, the Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada has furnished report stating that based on the Vigilance report, charges were framed against Sri P.V.S. Durga Prasad, Deputy Executive Engineer (PR) for allegation of irregularities committed in execution of NREGS works in Denduluru Assembly constituency of W.G. district vide charge Memo dt: 27.01.2015. The Superintending Engineer, PR, Eluru was appointed as the Inquiry officer to enquire into the charges framed against the above Charged Officer viz., Sri P.V.S. Durga Prasad, Deputy Executive Engineer (PR) and another Charged Officer viz., Sri S. Srinivasa Rao, Mandal Engineering Officer (Assistant Engineer), Pedavegi Mandal. The S.E, PR, Eluru and Inquiry Officer submitted inquiry report dt:24.3.2018 and held that charge against the Charged Officer is held not proved duly mentioning that there is no financial loss in execution of 5 works. The ENC, PR, while communicating the same, has requested the Government for taking further necessary action in the mater.

3. Government have examined the matter and disagreed the findings of the Enquiry Officer on the following disagreement factors :

i. The Inquiry Officer, in his Enquiry Report findings, has stated that the deficiencies in works were less than 10%, all the recoveries proposed by the V&E have been implemented, and as there is no loss to the Government, concluded that the charges framed against both the COs are not proved .

ii. The V&E officials have inspected 5 works , in all, costing Rs. 54.68 Lakhs. The following main irregularities, among others, were found by the V&E.

a. The tests conducted by V&E on gravel used in all the 5 works revealed that Liquid Limit, Plasticity Index did not comply the relevant standards and this item of work was to be rejected and re-laid. The substandard quality in this item of work was because gravel obtained from road side was used without bringing it from approved quarry and without using correct proportions of sand and gravel as specified in the agreement. The value of this item in all the works is Rs. 2,55,739 /-.

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b. Deficiencies in thickness of WBM layer by 3.17mm (4.22%) & in thickness of GSB layers by 14.05 mm (14.05%) were noticed in work No.2. Further, deficiencies in density of Grade-II metal by 9.58%, 6.10% and 1.25% in Works Nos. 2,3, and 4, respectively were also noticed. As these shortfalls were within allowable limits of 20%, amounts of Rs. **62,686** /-, Rs. **1,17,179** /-, Rs. **74,713** /- and Rs. **8,376** /- were proposed for recovery, respectively towards the deficiencies.

iii. Further, the ENC, PR while furnishing the enquiry report stated, with regard to irregularity mentioned at sub-para **(a)** above, that as WBM layer was already laid on the GSB layer, as such rejection of GSB layer was not proposed and that the situation could have been avoided, had the field officers taken care while laying of GSB layer.

iv. Thus, from the above it is clear that substandard the quality and quality of work was done in all the 5 works in different items like GSB, WBM, etc. Further, the fact that recoveries proposed by V&E have been paid itself indicates that irregularities have been committed in the first place.

v. Further, the amounts proposed by V&E at sub-para**(b)** only been recovered. As per V&E recommendation, the gravel carpet laid in all the 5 works is to be rejected and relaid due to its substandard quality as mentioned at sub-para **(a)** above. Since, WBM layer was already laid over Gravel layer and it was not possible to relay the layer subsequently, the rejection and relaying was not proposed as stated by ENC, PR. But it is definitely a loss to the Government and it has not been recovered so far. The IO has failed to appreciate this point in his findings. Further, the statements taken by the IO during enquiry, at a distant point of time, from the villagers are not only general in nature but also not backed by the quality parameters /test results as submitted by V&E. Hence, they may not be relevant.

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4. Accordingly, Government have rejected the findings of the Inquiry Officer and communicated the above disagreement factors duly deviating with the findings of the Enquiry Officer, under rule 21 (2) of A.P.C.S (CC&A) Rules, 1991, to the charged officer viz,. Sri P.V.S. Durga Prasad, Deputy Executive Engineer, PR directing to submit his representation if any in the matter, vide reference 4th read above.

5. In the reference 5th read above, the charged officer Sri P.V.S. Durga Prasad, Deputy Executive Engineer, PRI Sub-Division, Elugu has submitted his representation stating that the road was executed with utmost care and good condition as on the date. He has requested to consider the same and requested to exonerate from the charges /further proceedings in the matter.

6. Government have examined the matter and observe that the tests conducted by the V&E on all the 5 works revealed that these works did not comply the relevant standards. The value of all the works is Rs. 2,55,739 /- The Charged Officer being the Deputy Executive Engineer and second level field officer, failed to take care while executing the works and caused loss to Government. As such, the charged officer is held responsible for substandard execution of the work in addition to recovery of Rs.1,02,295.60 towards 40% of the amount of loss caused (2,55,739/-) as he is a second level field officer. As such, the explanation of the charged officer to exonerate from the charges deserve no consideration since no new points were submitted by the C.O and he is liable for punishment besides recovery.

7. Further, as per the Amendment to the to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI
+ 2%.

8. Government after examination of the matter have decided to impose a penalty of withholding of one (1) Annual Grade Increment without cumulative effect against Sri P.V.S. Durga Prasad, former Deputy Executive Engineer, PRI Sub-Division, Eluru and presently working as Deputy Executive Engineer, PRI Sub-Division, Tanuku under

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Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991, beside recovery of an amount of Rs.1,02,295.60 ( 40% of the amount of loss caused) at bank rate + 2% as per Article 300 of A.P. Finance Code, Volume-I in lumpsum.

9. Accordingly, Government hereby order to impose the penalty of withholding of one (1) Annual Grade Increment without cumulative effect against Sri P.V.S. Durga Prasad, former Deputy Executive Engineer, PRI Sub-Division, Eluru and presently working as Deputy Executive Engineer, PRI Sub-Division, Tanuku under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991, beside recovery of an amount of Rs.1,02,295.60 ( 40% of the amount of loss caused) at bank rate + 2% as per Article 300 of A.P. Finance Code, Volume-I in lumpsum.

10. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P.V.S. Durga Prasad, former Deputy Executive Engineer, PRI Sub-Division, Eluru and presently working as Deputy Executive Engineer, PRI Sub-Division, Tanuku
**through** Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh,Vijayawada (with a request to serve the copy to the individual and communicated the dated acknowledgment copy to Govt.).

**Copy to:**

The Secretary to VC, A.P. Vigilance Commission, Velgapudi.

SF/SC.

//Forwarded :: By Order //

SECTION OFFICER